



General Assembly

February Session, 2016

Raised Bill No. 5294

LCO No. 1459



Referred to Committee on BANKING

Introduced by:
(BA)

AN ACT CONCERNING POSSESSIONS IN REPOSSESSED VEHICLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (b) and (c) of section 36a-785 of the 2016
2 supplement to the general statutes are repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2016*):

4 (b) Not less than ten days prior to the retaking, the holder of such
5 contract, if he so desires, may serve upon the retail buyer, personally
6 or by registered or certified mail, a notice of intention to retake the
7 goods on account of the buyer's default. The notice shall state the
8 default and the period at the end of which such goods will be retaken,
9 and shall briefly and clearly state what the retail buyer's rights under
10 this subsection will be in case such goods are retaken. In the case of
11 repossession of any motor vehicle, the notice shall inform the retail
12 buyer that he or she is responsible for removing all of his or her
13 personal property from the motor vehicle prior to the date of such
14 repossession. If the notice is so served and the buyer does not perform
15 the conditions and provisions as to which he is in default before the

16 day set for retaking, the holder of the contract may retake said goods
17 and hold such subject to the provisions of subsections (d), (e), (f), (g)
18 and (h) of this section regarding resale, but without any right of
19 redemption.

20 (c) If the holder of such contract does not give the notice of intention
21 to retake, described in subsection (b), he shall retain such goods for
22 fifteen days after the retaking within the state in which they were
23 located when retaken. During such period the retail buyer, upon
24 payment or tender of the unaccelerated amount due under such
25 contract at the time of retaking and interest, or upon performance or
26 tender of performance of such other condition as may be named in
27 such contract as precedent to the retail buyer's continued possession of
28 such goods, or upon performance or tender of performance of any
29 other promise for the breach of which such goods were retaken, and
30 upon payment of the actual and reasonable expenses of any retaking
31 and storing, may redeem such goods and become entitled to take
32 possession of the same and to continue in the performance of such
33 contract as if no default had occurred. The holder of such contract shall
34 within three days of the retaking furnish or mail, by registered or
35 certified mail, to the last known address of the buyer a written
36 statement [of] indicating (1) the unaccelerated sum due under such
37 contract and the actual and reasonable expense of any retaking and
38 storing, and (2) in the case of repossession of any motor vehicle, (A)
39 that the buyer is responsible for removing all of his or her personal
40 property from the motor vehicle, at no cost to the buyer, not later than
41 fifteen days after the date on which the motor vehicle was repossessed,
42 and (B) the date on which the motor vehicle can be accessed for the
43 removal of such property. For failure to furnish or mail such statement
44 as required by this section, the holder of the contract shall forfeit the
45 right to claim payment for the actual and reasonable expenses of
46 retaking and storage, and also shall be liable for the actual damages
47 suffered because of such failure. If such goods are perishable so that
48 retention for fifteen days as herein prescribed would result in their

49 destruction or substantial injury, the provisions of this subsection shall
50 not apply and the holder of the contract may resell the goods
51 immediately upon such retaking.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2016</i>	36a-785(b) and (c)
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Statement of Purpose:

To allow retail buyers of motor vehicles being repossessed to remove personal property from the vehicle prior to the date of repossession.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]